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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,727	01/21/2004	Wyman Westberry	60146.0001US01	4640
7590	01/26/2005		EXAMINER	
Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903				ESTRADA, ANGEL R
		ART UNIT		PAPER NUMBER
		2831		

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/761,727	WESTBERRY, WYMAN <i>(Signature)</i>
	<b>Examiner</b> Angel R. Estrada	<b>Art Unit</b> 2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 January 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 12-14 is/are rejected.  
 7) Claim(s) 4-11 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6-11 are objected to because of the following informalities:

Claim 6 line 13, "the electrical ground connection", lacks antecedent basis.

Claims 7-11 are included because of their dependency.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Zini et al (US 6,307,149, hereinafter Zini).

Regarding claim 1, Zini discloses an apparatus for establishing an electrical ground connection (see figure 7), comprising: a pipe (705) having an interior region; an electrically conductive element (720) disposed at the interior region of the pipe (see figure 7), and means (725) disposed outside the pipe (705) and operative to provide an electrically conductive path between the conductive element and an electrical ground source external to the pipe (see figure 7), whereby an electrical ground path is established with fluid (air located inside the pipe) in the interior region of the pipe (see figure 7).

Regarding claim 2, Zini discloses the apparatus, wherein the pipe (705) is substantially electrically nonconductive (column 6 line 9, fiberglass).

Regarding claim 3, Zini discloses the apparatus, wherein the conductive element (720) is spaced apart from an inner wall defining the interior region of the pipe (see figure 7).

Regarding claim 12, Zini discloses an apparatus (see figure 7) for establishing an electrical ground connection, comprising: an electrically nonconductive pipe element (705, see column 6 line 9); and an electrically conductive element (715) disposed within the pipe element (705), and extending outside the pipe element (705) for connection to an electrical ground source (725), whereby an electrical ground path is established between the ground source and an electrically conductive element in contact with the fluid (air located inside the pipe) in the nonconductive pipe element (see figure 7).

Regarding claim 13, Zini discloses a method for establishing an electrical ground connection (see figure 7), comprising the step of: disposing an electrical conductor (715) within an electrically nonconductive pipe element (705, column 6 lines 9), and providing a conductive path that extends from the electrical conductor (715) to a connection point (725) outside the pipe element, for attachment to an electrical ground (see figure 7).

Regarding claim 14, Zini discloses the method, comprising the further step of installing an apparatus (710 or see figure 7).

***Allowable Subject Matter***

3. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 4 and 5 is:

Regarding claims 4 and 5, the prior art does not teach or fairly suggest in combination with the other claimed limitations of the conductive element being a metallic rod extending within the interior region.

This limitation is found in claims 4 and 5 and, is neither disclosed nor taught by the prior art of record, alone or in combination.

4. Claims 6-11 would be allowable if rewritten or amended to overcome the rejection(s) under Claims Objections, set forth in this Office action.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 6-11 is:

Regarding claims 6-11, the prior art does not teach or fairly suggest in combination with the other claimed limitations of a plumbing fitting comprising a plumbing element and an electrical conductor associated with the plumbing element for contact with fluid therein, so as to establish an electrical conductive path between the conductor and the fluid.

This limitation is found in claims 6-11 and, is neither disclosed nor taught by the prior art of record, alone or in combination.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leto (US 5,460,532), Franks, Jr. (US 4,993,960 and US 6,727,430), Kies (US 4,577,053), Roberts (US 4,885,428), Wellman et al (US 6,744,305) and Newman (US 5,663,525) disclose an electrical grounding system
6. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AE

January 19, 2005

  
DEAN A. REICHARD 1/24/05  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800